

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEBRASKA (Omaha Office)

IN RE:)	
)	
Dannie L. Bennett, Jr.)	Case No. 23-80623
)	Chapter 7
Debtor,)	
_____)	
ACAR Leasing LTD)	
dba GM Financial Leasing)	
Movant,)	
Vs.)	
)	
Dannie L. Bennett JR)	
Respondent,)	
and)	
Philip M. Kelly)	
Trustee.)	

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ACAR Leasing LTD dba GM Financial Leasing, its subsidiaries, affiliates, predecessors in interests, successors or assigns, (“Movant”), by and through its counsel of record, and in support of its motion, states as follows:

1. Debtor is currently indebted to ACAR Leasing LTD dba GM Financial Leasing in the sum of \$31,362.37, plus interest, late charges, and attorney fees.
2. On or about August 8, 2023, Debtor executed and delivered to Woodhouse CBP, Inc. a lease agreement pursuant to which Debtor leased a 2023 Chevrolet Bolt; VIN 1G1FZ6S07P4172960 (the “Leased Vehicle”). The lease was subsequently assigned to ACAR Leasing LTD dba GM Financial Leasing. Copies of said Lease, Assignment and Title Information are attached hereto as Exhibit “A”.

3. Movant will be inadequately protected in the event that the automatic stay is not lifted. Respondent is unable to make the payments called for in the Agreement during the pendency of this bankruptcy. Respondent has failed to make the partial payment for March 8, 2024 and all remaining lease payments from April 8, 2024 forward for a total payment default of \$4,034.40.

4. The value of the leased vehicle is declining during the pendency of this bankruptcy and will continue to depreciate until it is recovered and sold in accordance with the Lease provisions.

WHEREFORE, Movant, its successors or assigns, respectfully requests the Court to enter, among others, the following orders:

- (a) An order modifying the automatic stay for the purpose of allowing Movant to enforce its leasehold interest by repossessing and selling said Leased Vehicle pursuant to the default provisions of said Lease and applicable state law;
- (b) An order granting such other and further relief as the Court deems just

Respectfully submitted,
LEWIS RICE LLC

/s/Michael P. Gaughan
Michael P. Gaughan, MBE 31121
10484 Marty Street
Overland Park, KS 66212
(913) 648-6333 / Fax: (913) 642-8742
mgaughan@lewisricekc.com
ATTORNEY FOR MOVANT